

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LIBAN HASSAN,

Defendant.

8:14CR398

AMENDED TRIAL BRIEF

Submitted by:

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United States Attorney  
for the District of Nebraska

and

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### **Nature of the Case.**

The Grand Jury sitting in the District of Nebraska has returned a one count Indictment against Liban Hassan for interference with commerce by means of robbery, in violation of Title 18, United States Code § 1951. Count I occurred on May 18, 2014.

### **Elements of Interference with Commerce by Threats or Violence.**

To establish a violation of Section 1951, the government must prove the following elements beyond a reasonable doubt:

1. The defendant knowingly robbed Kum and Go, 13149 Fort Street, Omaha, Nebraska;
2. The robbery involved cash and cigarettes;
3. The cash and cigarettes were in the custody or possession of an employee of Kum and Go; and
4. The defendant's actions obstructed, delayed, or affected commerce in some way or degree.

### **Statement of Facts.**

On May 18, 2014, at approximately 4:15 a.m., a robbery was reported at the Kum and Go located at 13149 Fort Street, Omaha, Nebraska. A single clerk was working in the store when four black men entered the store. Two acted as lookouts and two actively partook in the robbery. One suspect appeared to have a firearm under his shirt and made demands of the clerk such as "where's the money at? Where's the big money at?" or words to that effect. Two of the suspects came behind the counter and one of them held something to the neck area of the clerk asking where the cigarettes were. The suspects took cartons of cigarettes and money from two cash registers. Approximately 5-6 cartons of cigarettes were taken and \$158.50 in United States currency. The business had to shut down for approximately an hour and a half during the investigation.

As part of the Omaha Police Department investigation, a partial palm print was obtained from the door of the store. Omaha Police Crime Lab technicians determined the print belonged to Liban Hassan. During the robbery, one of the suspects refers to another of the suspects as Yusuf. Yusuf Xasan had been arrested in August 2014 and charged federally for possessing a stolen firearm. He agreed to cooperate. He identified himself as one of the participants in the robbery and also identified Liban Hassan as another participant. Video taken from the onsite cameras show Hassan touching the door at the same point from where his palm print was lifted.

**Witnesses.**

The United States intends to call approximately 5 witnesses to testify about the facts set forth above. A witness list has been filed. To date, the Government has not been notified of any defense witnesses so at this time the Government is not prepared to discuss any defense.

**Jury Instructions**

The United States has filed a proposed jury instructions. With the addition of the proposed instruction, the standard model jury instructions are acceptable.

Finally, the United States anticipates that trial of this matter will take two days.

Respectfully submitted,

UNITED STATES OF AMERICA, Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: **Jeremy Jorgensen**, Attorney at Law, and also hereby certify that a copy of the same has been served by regular mail, postage prepaid, to the following non-CM/ECF participants: NONE

s/ Susan T. Lehr

Assistant U.S. Attorney